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TO: Commissioner for Patents
Attn: Examiner Aniruddho Ray Chaudhuri
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Katherine M. Kowalchuk

OUR REF: 11669.147USU1
TELEPHONE: 612.371.5311

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Title of Document Transmitted:

RESPONSE TO RESTRICTION
REQUIREMENT AND PETITION FOR
EXTENSION OF TIME:

Applicant: CHUNTHARAPAI ET AL.
Serial No.: 10/044,896
Filed: JANUARY 9, 2002
Group Art Unit: 1644
Our Ref. No.: 11669.147USU1
Confirmation No. 1225

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By: Katherine M. Kowalchuk
Name: Katherine M. Kowalchuk
Reg. No.: 36,848

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Sheryl A. Boerboom

Sheryl A. Boerboom
Signature

November 3, 2004
Date

GEN033.DOT

S/N 10/044,896

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CHUNTHARAPAI ET AL.	Examiner:	A. CHAUDHURI
Serial No.:	10/044,896	Group Art Unit:	1644
Filed:	JANUARY 9, 2002	Docket No.:	11669.147USU1
Confirmation No.:	1225	Customer No.:	23552
Title:	ANTI-INTERFERON-ALPHA ANTIBODIES		

CERTIFICATE UNDER 37 CFR 1.6(d):

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By:

Name: Sheryl A. Boerboom

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in response to the restriction requirement dated September 20, 2004.

While not acquiescing to any of the statements of the Examiner, Applicants elect the subject matter of Group I, claims 1-30 and 42-48 with traverse. Applicants further elect antibody V13 which comprises light chain sequence comprising SEQ ID NO:3 and heavy chain sequence comprising SEQ ID NO:5. A vector encoding a heavy chain comprising SEQ ID NO:5 is deposited as PTA-2881 with ATCC. A vector encoding a light chain comprising SEQ ID NO:3 is deposited as PTA-2882 with ATCC. The elected claims readable on the elected species are 1, 3, 5-29, 41-42 and 44-48.

Applicants traverse the restriction requirement. Applicants submit that the Examiner has not established it would be unduly burdensome to search the subject matter of claim 49 (Group IV) and/or claims 50-54 (Group V). Applicants submit that the subject matter of these claims is found in the same class as that of the Group I claims. Moreover, a search of the antibodies is

likely to include information directed to methods of using the antibodies. Thus, Applicants request that the Examiner search claim 49 and/or claims 50-54.

If the Examiner does decide to also search and examine claims 49-54, Applicants elect systemic lupus erythematosus.

INTERVIEW SUMMARY

Applicants thank the Examiner for the interview on November 2, 2004. We discussed that the search should include antibodies to all IFN α subtypes.

Examination on the merits is requested.

Respectfully submitted,

MERCHANT & GOULD P.C.
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Dated: November 3, 2004 By Katherine M. Kowalchyk
Katherine M. Kowalchyk
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